

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 18, 2016

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burgoyne and Hagedorn, absent and formally excused by the Chair.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Mallory DeFord, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 17, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 18, 2016

The JUDICIARY AND RULES Committee reports that [S 1342](#) has been correctly printed.

LODGE, Chairman

[S 1342](#) was referred to the State Affairs Committee.

February 18, 2016

The JUDICIARY AND RULES Committee reports that [SCR 132](#) has been correctly enrolled.

LODGE, Chairman

The President signed Enrolled [SCR 132](#) and ordered it transmitted to the House for the signature of the Speaker.

February 17, 2016

The JUDICIARY AND RULES Committee reports out [S 1235](#) and [S 1255](#) with the recommendation that they do pass.

LODGE, Chairman

[S 1235](#) and [S 1255](#) were filed for second reading.

February 17, 2016

The JUDICIARY AND RULES Committee reports out [S 1256](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1256](#) was referred to the Fourteenth Order of Business, General Calendar.

February 17, 2016

The EDUCATION Committee reports out [H 428](#), [HCR 31](#), [S 1266](#), and [S 1267](#) with the recommendation that they do pass.

MORTIMER, Chairman

[H 428](#), [S 1266](#), and [S 1267](#) were filed for second reading.

[HCR 31](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 17, 2016

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 346](#), [H 357](#), [H 386](#), and [H 405](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[H 346](#), [H 357](#), [H 386](#), and [H 405](#) were filed for second reading.

February 18, 2016

The HEALTH AND WELFARE Committee reports out [H 373](#), [S 1268](#), and [S 1294](#) with the recommendation that they do pass.

HEIDER, Chairman

[H 373](#), [S 1268](#), and [S 1294](#) were filed for second reading.

February 18, 2016

The AGRICULTURAL AFFAIRS Committee reports out [S 1260](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

RICE, Chairman

There being no objection, [S 1260](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 17, 2016

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William B. Booth of Hayden, Idaho, was reappointed as a member of the Northwest Power and Conservation Council to serve a term commencing January 15, 2016, and expiring February 15, 2019.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 17, 2016

Dear Mr. President:

I transmit herewith [H 447](#), [H 441](#), [HJM 13](#), [HCR 33](#), [H 449](#), and [H 474](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 447](#), [H 441](#), [HJM 13](#), [HCR 33](#), [H 449](#), and [H 474](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1343

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PAROLE; AMENDING SECTION 20-229B, IDAHO CODE, TO REVISE A PROVISION REGARDING ALLEGATIONS OF A VIOLATION OF THE CONDITIONS OF PAROLE.

[S 1343](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 447](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 441](#), by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[HJM 13](#), by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

[HCR 33](#), by Education Committee, was introduced, read at length, and referred to the Education Committee.

[H 449](#) and [H 474](#), by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1283](#), by Transportation Committee, was read the second time at length and filed for third reading.

[S 1221](#), [S 1286](#), and [S 1287](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[H 335](#), [H 336](#), [H 337](#), [H 338](#), [H 339](#), and [H 340](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 391](#), [H 392](#), [S 1279](#), and [S 1290](#), by Education Committee, were read the second time at length and filed for third reading.

[S 1218](#) and [S 1298](#), by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1246](#) retained its place.

[S 1261](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Davis, Den Hartog, Guthrie, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 33.

NAYS—None.

Absent and excused—Burgoyne, Hagedorn. Total - 2.

Total - 35.

Whereupon the President declared [S 1261](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1263](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called President Pro Tempore Hill to the Chair.

Roll call resulted as follows:

AYES—Davis, Heider, Keough, Martin, McKenzie, Ward-Engelking, Winder. Total - 7.

NAYS—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Den Hartog, Guthrie, Harris, Hill, Johnson, Jordan, Lacey, Lakey, Lee, Lodge, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick. Total - 26.

Absent and excused—Burgoyne, Hagedorn. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared that [S 1263](#) had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fourth Order of Business.

Reading of Communications

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 5 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 5 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Anthon, Brackett, Den Hartog, Johnson, Lee, Mortimer, Nonini, Rice, Souza, Thayn, and Ward-Engelking, absent and excused.

Prior to recess the Senate was at the Fourth Order of Business, Reading of Communications.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 18, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 432](#), [S 1264](#), [S 1314](#), and [S 1318](#) with the recommendation that they do pass.

PATRICK, Chairman

[H 432](#), [S 1264](#), [S 1314](#), and [S 1318](#) were filed for second reading.

February 18, 2016

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Terry Gestrin to the State Insurance Fund Board, term to expire December 1, 2016.

PATRICK, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2016

The TRANSPORTATION Committee reports out [S 1311](#) with the recommendation that it do pass.

BRACKETT, Chairman

[S 1311](#) was filed for second reading.

February 18, 2016

The TRANSPORTATION Committee reports out [S 1312](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRACKETT, Chairman

There being no objection, [S 1312](#) was referred to the Fourteenth Order of Business, General Calendar.

February 18, 2016

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Daniel Scott to the Aeronautics Advisory Board, term to expire January 31, 2021.

BRACKETT, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2016

The HEALTH AND WELFARE Committee reports out [H 374](#), [H 375](#), and [S 1281](#) with the recommendation that they do pass.

HEIDER, Chairman

[H 374](#), [H 375](#), and [S 1281](#) were filed for second reading.

Senator Johnson was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1246](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hagedorn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Vick, Ward-Engelking, Winder. Total - 28.

NAYS—Buckner-Webb, Burgoyne, Jordan, Stennett. Total - 4.

Absent and excused—Mortimer, Souza, Thayn. Total - 3.

Total - 35.

Whereupon the President declared [S 1246](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1270](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Ward-Engelking, Winder. Total - 32.

NAYS—Den Hartog, Nuxoll, Vick. Total - 3.

Total - 35.

Whereupon the President declared [S 1270](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1271](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Brackett, Buckner-Webb, Burgoyne, Davis, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson,

Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Patrick, Rice, Schmidt, Siddoway, Stennett, Thayn, Ward-Engelking, Winder. Total - 29.

NAYS—Bayer, Den Hartog, Nonini, Nuxoll, Souza, Vick. Total - 6.

Total - 35.

Whereupon the President declared [S 1271](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 352](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 352](#) passed, title was approved, and the bill ordered returned to the House.

[H 359](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bayer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 359](#) passed, title was approved, and the bill ordered returned to the House.

[H 360](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 360](#) passed, title was approved, and the bill ordered returned to the House.

[H 376](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Guthrie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee,

Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 376](#) passed, title was approved, and the bill ordered returned to the House.

[S 1232](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Buckner-Webb arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [S 1232](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1249](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ward-Engelking arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called President Pro Tempore Hill to the Chair.

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1249](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1248](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1222](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hagedorn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1222](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1223](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lacey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1223](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1224](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, [S 1224](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1225](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1225](#) passed, title was approved, and the bill ordered transmitted to the House.

Having voted on the prevailing side by which [S 1225](#) passed the Senate, Senator Davis served notice that he may on this or the next legislative day move for reconsideration of the vote.

[S 1225](#) was ordered held at the Secretary's desk.

On request by Senator Davis, granted by unanimous consent, [SJR 101](#) was placed at the head of the Third Reading Calendar, followed by Senate bills, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 6:05 p.m. until the hour of 10:30 a.m., Friday, February 19, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary